

CHAPTER 16

STOCKBRIDGE-MUNSEE TRIBAL LAW PUBLIC PEACE AND GOOD ORDER ORDINANCE

Stockbridge-Munsee Ordinance Relating to the
Regulation of Conduct for Public Peace and Good Order.

Statement of Purpose and Findings

The Stockbridge-Munsee Tribal Council enacts this Ordinance to provide for the public peace of the Stockbridge-Munsee Reservation and to minimize health and accident hazards within the exterior boundaries of the reservation. The Stockbridge-Munsee Council Tribal further finds that this chapter is necessary to protect social, economic and political well being of the Stockbridge-Munsee Community Indian Tribe and its members. Be it enacted by the Council of the Stockbridge-Munsee Tribe of the Stockbridge-Munsee Reservation, as follows:

Section 16.1 Short Title

This ordinance may be cited as the Stockbridge-Munsee Public Peace and Good Order Ordinance.

Section 16.2 Interpretation

This ordinance shall be deemed as a reasonable and proper exercise of the sovereign power of the Stockbridge-Munsee Tribe for the protection of the tribe's land, welfare, health, peace and morals. All provisions of this ordinance shall be liberally construed for the accomplishment of these purposes.

Section 16.3 Definitions

In this ordinance, unless the context otherwise requires:

- (A) "Conservation Officers" means those individuals employed by the Stockbridge-Munsee tribe to enforce federal and tribal conservation codes and tribal civil violations within the exterior boundaries of the reservation.
- (B) "Reservation" means the area within the exterior boundaries of the Stockbridge-Munsee Community Reservation which encompasses the two townships described as Township 28 North, Range 13 East and Township 28 North, Range 14 East.
- (C) "Tribal officer" means any officer employed by the Stockbridge-Munsee tribe and authorized by the Stockbridge-Munsee Tribal Council for the purpose of patrolling and enforcing state criminal laws and tribal civil regulatory laws within the exterior boundaries of the reservation.

(D) “Tribal parks” means any tribal land within the exterior boundaries of the reservation which are specifically set aside for recreational use by Stockbridge-Munsee tribal members and their families and guests.

Section 16.4 Damage to Property

Destruction or defacement of tribal or private property prohibited:

(A) Damage to Property: No person shall deface, mar, injure, break or damage any tribal or private property within the exterior boundaries of the Reservation. Tribal and private property inside the reservation boundaries includes, but is not limited to signs, statues, monuments, or buildings.

(B) Damage to Vegetation: No person shall maliciously destroy, remove or cut down, root up, sever or injure any fruit, trees, shrubs, plants, flowers, or other vegetation within the exterior boundaries of the reservation, except for the purposes of gathering of medicine or transplanting plants and trees, with the required permission from the Tribal Council where applicable.

Section 16.5 Disorderly Conduct/ Prohibition on Noise

(A) Whoever, in a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance is guilty of a violation of this ordinance.

(B) Loud and unnecessary noise prohibited: No person shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises which may annoy or disturb any person within the boundaries of the Reservation.

Section 16.55 Unlawful Use of Telephone

(A) Whoever does any of the following is guilty of a violation of this ordinance:

(1) With intent to frighten, intimidate, threaten, abuse or harass, makes a telephone call and threatens to inflict injury or physical harm to any person or the property of any person.

(2) With intent to frighten, intimidate, threaten or abuse, telephones another and uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(3) Makes a telephone call, whether or not conversation ensues, without disclosing his or her identity and with intent to abuse or threaten any person at the called number.

(4) With intent to harass or offend, telephones another and uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(5) Makes or causes the telephone of another repeatedly to ring, with intent to harass any person at the called number.

(6) Makes repeated telephone calls, whether or not conversation ensues, with intent solely to harass any person at the called number.

(7) Makes a telephone call, whether or not conversation ensues, without disclosing his or her identity and with intent to harass any person at the called number.

(8) Knowingly permits any telephone under his or her control to be used for any purpose prohibited by this section.

Section 16.56 Harassment

(A) In this section:

(1) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

(2) "Credible threat" means a threat made with the intent and apparent ability to carry out the threat.

(3) "Personally identifiable information" means information that can be associated with a particular individual through one or more identifiers or other information or circumstances.

(4) "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of the physical form or characteristics, which has been created or is being kept by an authority including the Tribe.

(B) Whoever, with intent to harass or intimidate another person, does any of the following is guilty of a violation of this ordinance:

(1) Strikes, shoves, kicks or otherwise subjects the person to physical contact or attempts or threatens to do the same.

(2) Engages in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.

(C) Whoever violates subsection (B) under any of the following circumstances is guilty of a additional violation of this ordinance:

(1) The act is accompanied by a credible threat that places the victim in reasonable fear of death or great bodily harm.

(2) The act occurs while the actor is subject to an order or injunction under Stockbridge-Munsee Community Domestic Abuse Restraining Order and Injunction ordinance that prohibits or limits his or her contact with the victim.

Section 16.6 Loitering Prohibited

No person shall loiter, lounge, or loaf in or about the Tribal Administrative offices, clinic, or housing project area or other tribal buildings, facilities or grounds. Upon being requested to move, a person must immediately comply with such request by leaving the premises or area thereof at the time of the request.

Section 16.65 Smoking Prohibited

The use of cigarettes, pipes and any other tobacco products which produce smoke is prohibited inside all tribal buildings except where exceptions have been approved by the Tribal Council.

Section 16.7

[Section 16.7 has been superseded by Chapter 14 - Curfew and Hitchhiking Ordinance]

Section 16.8 Littering Prohibited

No person shall throw any glass, refuse, or waste, filth, of other litter upon the streets, parks, or other public or private property within the exterior boundaries of the reservation.

Section 16.9 Junked Motor Vehicles, Garbage, and Unsightly Areas

(A) Junked Motor Vehicles:

(1) No person shall allow any disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, or other junked or discarded property to be stored or remain in the open on tribal or private property within the exterior boundaries of the reservation for a period of time in excess of thirty (30) days unless otherwise authorized by the Tribal Council.

(2) Whenever the Tribal Officer or any other authorized tribal personnel finds such vehicles of other junked or discarded property placed or stored in the open upon property inside the boundaries of the reservation, he/she may cause such property to be removed to a junk or salvage yard until either claimed by the owner or disposed of by the junk or salvage yard.

(B) Unsightly Areas: No person shall allow any scrap, refuse, junk, salvage, rubbish or property within the exterior boundaries of the Stockbridge-Munsee Reservation that creates unsightly areas and/or contributes to health and safety hazards.

(1) Whenever the Tribal Officer or any other authorized tribal personnel finds such property placed or stored in the open upon property within the exterior boundaries of the Reservation, he/she shall notify the resident or owner of the property upon which such vehicles or other property are placed or stored. Such notice may be given to such owner personally or mailed to the resident or owner at any place such owner or resident may be found or at his/her last known address. Such officer or authorized tribal personnel must indicate that it is the tribe's intention to remove such property. If such property is not removed within thirty (30) days, the tribe may cause the same to be removed, the cost of such removal to be charged to the owner or resident where such property is stored.

(C) Garbage: All persons shall dispose of all kitchen, yard and general household trash and refuse in the designated tribal dump. No refuse material of any sort shall be dumped or otherwise disposed of at any place on the reservation except that area designated at the reservation dumping area. All garbage hauled by truck or trailer shall be covered to prevent spilling.

Section 16.10 Dog/Cat Control

(A) Dog control

(1) No owner or person in control or having custody of a dog shall allow the same to run at large on the Reservation unless accompanied by and under the control of the owner or keeper.

(2) All dogs shall be registered with the appropriate tribal agency. Upon registration and upon presentation of evidence that the dog is currently, immunized against rabies, the registering agency shall complete and issue to the owner a license for the dog bearing a serial number and in the form prescribed by the department, stating the date of its expiration, the owner's name and address, and the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog. A duplicate copy of the registration will be kept on file.

(3) No person shall keep any dog on the reservation which has without provocation bitten, attacked, or injured any person.

(4) No person shall keep any dog which habitually barks or howls to the annoyance of at least three (3) or more other households.

(B) Cat Control

(1) All cats shall be registered with the appropriate tribal agency. Upon registration and upon presentation of evidence that the cat is currently immunized against rabies, the registering agency shall complete and issue to the owner a license for the cat bearing a serial number and in the form prescribed by the department. Stating the date of its expiration the owner's name and address, and the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the cat. A duplicate copy of the registration will be kept on file.

(C) Enforcement. The Tribal officer and/or Tribal Conservation Officer shall notify the owner or keeper of any dog of a violation of this section. Upon notification, the owner or keeper of such dog shall immediately remedy the complaint, or if the officer(s) is not able to identify the owner/keeper, the Tribal Conservation Officers are authorized to detain and/or dispose of such dog in a proper and humane manner.

Section 16.11 Park Rules

(A) All persons using the tribal park facilities shall abide by the following special terms and conditions:

- (1) Camping is permitted in designated camping areas only.
- (2) No fires are permitted except in designated campfire areas.
- (3) There shall be no littering of any kind inside park boundaries.
- (4) Defacing of any park property or vegetation is strictly prohibited.
- (5) The maximum speed limit on park and campground roads is 10 m.p.h.
- (6) Through traffic is prohibited on the campground road when the Pow Wow or other tribal functions are scheduled in the park area.
- (7) Fishing (by tribal member or those with required permits) in the river is prohibited in designated swimming areas, when swimmers are present.
- (8) Excessive noise is prohibited.
- (9) Campers shall observe established campground rules.
- (10) No alcohol shall be allowed in any tribal parks from the hour of 10 p.m. until the hour of 10 a.m.

Section 16.12

[NOTE: Snowmobile and 4 wheeler regulation is now under Traffic Ordinance.]

Section 16.13 Mohican Housing Authority

[As of October 7, 1997, Mohican Housing Authority no longer exists as separate entity-housing issues now under the Tribe under the Division of Community Housing.]

Section 16.14 Enforcement/Violation: Jurisdiction

(A) Any person who violates any provision of this ordinance or any rule or regulation authorized thereunder, shall be guilty of a tribal civil offense punishable by a fine of not more than five hundred dollars (\$500.00)

(B) The Stockbridge-Munsee Tribal Court shall have jurisdiction over all violations of this ordinance and may, in addition to the penalty described in Section 16.14 (A), grant such other relief as is necessary and proper for the enforcement of this ordinance.

(C) This ordinance is in effect and applicable throughout the entire reservation except that when enforced on lands owned by non-Indians in fee simple, the conduct at issue must be a threat to health, welfare and safety of the Stockbridge-Munsee Community or its members.

LEGISLATIVE HISTORY

1. Ordinance No. 5 an ordinance to minimize health and accident hazards within the reservation proper...adopted by the Tribal Council January 13, 1973 (No BIA approval); included Snowmobile Resolution No. 1 dated January 6, 1973.
2. Resolution No. 0506, dated May 3, 1974, established an ordinance entitled “Rules and Regulations-Stockbridge-Munsee Campground”.
3. Public Peace and Good Order Ordinance presented to tribal council for consideration, public hearing held on August 26, 1986.
4. September 21, 1988, to ordinance committee for review.
5. Approved by tribal council, October 4, 1988, for posting with appropriate changes made.
6. Public Peace and Good order Ordinance adopted by Resolution No. 1113, November 1, 1988. Listing received from BIA shows they have it on file.
7. Resolution No. 1552-95, November 7, 1995, amends Ordinance by replacing “Tribal Council” with “Tribal Court” in Section 16.14 VIOLATION: JURISDICTION.
8. Amended in July 1996 to disallow alcohol in tribal parks.
9. Amended October 7, 1997, by Resolution No. 251-97.